

Message Text

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L/M - N. ELY

JUSTICE - M.R.STEIN (SUBS)

EA/J - D.G.BROWN

----- 031028

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FM SECSTATE WASHDC

TO AMEMBASSY TOKYO

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E.O. 11652: N/A

TAGS: PFOR, NARC, JA, US

SUBJECT: EXTRADITION TREATY REVISION TO INCLUDE

----- NARCOTICS OFFENSES

REF: TOKYO 1292

1. DEPARTMENT IS FORWARDING AIRGRAM CONTAINING MEMORANDA OF CONVERSATION CONCERNING DISCUSSIONS OF POSSIBLE EXTRADITION TREATY WITH JAPAN.

2. THOUGH REFTEL IS ESSENTIALLY CORRECT, DEPARTMENT WISHES TO NOTE FOLLOWING POINTS. REGARDING THIRD SENTENCE OF FIRST PARA OF REFTEL, L DID NOT AGREE TO START NEGOTIATIONS AS SOON AS JAPANESE ARE READY. FROM OUTSET, L HAS POINTED OUT THAT THESE DISCUSSIONS WERE INFORMAL IN NATURE AND FURTHERMORE THAT OTHER TREATY NEGOTIATIONS NOW UNDERWAY WILL UNFORTUNATELY PRECLUDE NEGOTIATION OF NEW USG GOJ EXTRADITION TREATY UNTIL JULY 1, 1976, AT

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EARLIEST. HOWEVER, L DID SUGGEST THAT PREPARATIONS FOR SUCH NEGOTIATIONS AFTER JULY 1 SHOULD BE EXPLORED. THOUGH SPECIFIC REFERENCE TO CIRCULAR 175 WAS NOT MADE TO GOJ REPRESENTATIVE HARADA DURING DISCUSSIONS, L INTENDS TO DETERMINE IF CIRCULAR 175 AUTHORITY TO NEGOTIATE CAN BE

OBTAINED. OBTAINING CIRCULAR 175 AUTHORITY WOULD INCLUDE PREPARATION OF INITIAL USG EXTRADITION TEXT. REGARDING FOURTH SENTENCE OF PARA ONE, L SUGGESTED THAT, IF FORMAL NEGOTIATIONS WERE TO BEGIN, TOTAL REVISION WOULD SEEM TO BE MORE LOGICAL APPROACH THAN ATTEMPTING THE MANY CHANGES FOUND IN THE GOJ'S PROPOSED PARTIAL REVISION. DEPARTMENT IS PLEASED THAT FONOFF WOULD BE AGREEABLE TO SUCH AN APPROACH.

3. THOUGH DEPARTMENT IS NOT NOW PREPARED TO TAKE A POSITION ON ANY ASPECT OF PROPOSED EXTRADITION TREATY WITH THE GOJ, IT IS TRUE AS A GENERAL PROPOSITION AND AS IS SUGGESTED IN PARA TWO THAT EXPLICIT INCORPORATION OF NARCOTICS OFFENSE IN A BILATERAL AGREEMENT CAN HAVE BENEFITS NOT PRESENT IN SUCH AN INCORPORATION IN A MULTI-LATERAL AGREEMENT (E.G., BILATERAL CAN INCLUDE BROADER DEFINITION OF NARCOTIC OFFENSES AND PROVIDE FOR CONSPIRACY AS WELL AS SUBSTANTIVE OFFENSE).

4. THOUGH DEPARTMENT DOES NOT ENVISION MAJOR INITIATIVES ON EXTRADITION BILATERAL WITH GOJ IN NEXT FEW MONTHS, DEPARTMENT REPRESENTATIVES IN L PLAN TO MEET WITH MR. HARADA IN LATE FEBRUARY TO DISCUSS ANY POSSIBLE PROGRESS OR PROBLEMS. DEPARTMENT APPRECIATES EMBASSY'S EFFORTS TO STIMULATE JAPANESE INTEREST IN REVISING EXTRADITION TREATY.

5. IF EMBASSY HAS NOT OR IS UNABLE TO RECEIVE COPY OF DOCUMENTS PRESENTED BY GOJ FROM MINISTRY OF JUSTICE, DEPARTMENT WILL REPRODUCE AND SEND COPY TO EMBASSY. INGERSOLL

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